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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,890	09/15/2003	David Patron	1033-T00538	1159
34456	7590	09/06/2005	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			VIG, NARESH	
		ART UNIT		PAPER NUMBER
		3629		

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/662,890	PATRON ET AL.
	Examiner	Art Unit
	Naresh Vig	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 September 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20040216</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 20 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: collecting information for log of actions taken by the client device to comply with the at least one policy.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatz et al. US Publication 2002/0049806 hereinafter known as Gatz in view of West et al. US Patent 5,550,575 hereinafter known as West.

Regarding claims 1 and 11, Gatz teaches system and method for account based access control system allowing the holder of one account to control the ability of one or more other account holders to access information in an information network [0014].

Gatz teaches.:

receiving a request from a parent or guardian of a minor to sign up for an Instant Messaging (IM) service (type of service is business choice) on behalf of the minor (parents to establish parental accounts that can be used to control the access of their children (having child accounts) to information provided over the Internet);

providing a Web-based profile administrator interface to the parent or guardian (a parent that controls the family account (the "controlling parent") can add a child to the family account with a new child account) [0014, Fig. 6 and disclosure associated with Fig. 6];

Gatz does not explicitly teach receiving a profile, created by the parent or guardian using the Web-based profile administrator interface. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to for Gatz to create an account, account profile has to be received to be able to create an account.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that Gatz teaches receiving a profile, created by the parent or a guardian using web-based profile administrator interface.

As responded to earlier, Gatz teaches account created comprises one or more control policies for usage of the IM service (field of use) by the minor [Fig. 3 and disclosure associated with Fig. 3 and disclosure associated with Fig. 3];

receiving a request from the minor (field of use) to log on to the IM service using a client device [Fig. 6 and disclosure associated with Fig. 6]; and

Gatz does not explicitly teach communicating information from the profile to the client device to modify the functionality of the client device to comply with at least one policy in the profile. However, Gatz teaches communicating information from the profile to the client device to comply with at least one policy in the profile (The access server includes logic for verifying parental status of a parent account with respect to a child account and logic for limiting access to a user using a child account that is associated with a family account, where such limitations are determined, at least in part, based on selections made by a user of a parent account associated with the family account) [0015]. However, West teaches system and method for control system including devices and methods for controlling access especially by children [abstract]. Both Gatz and West provide control system and method for controlling access especially by children.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gatz as taught by West to modify instant

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messaging to provide parental control to make the parents feel comfortable that their children are doing activities other than instant messaging.

With respect to architecture used to design the system is a design choice. A user may elect to use single server to perform all the function, or, design the system use client/server architecture to have a distributed system.

Regarding claims 2 and 12, Gatz in view of West teaches using a policy engine of the client device to limit usage of the IM service to the minor based on the at least one policy (The access server includes logic for verifying parental status of a parent account with respect to a child account and logic for limiting access to a user using a child account that is associated with a family account, where such limitations are determined, at least in part, based on selections made by a user of a parent account associated with the family account) [0015].

Regarding claims 3, Gatz in view of West teaches policy engine comprises a plug-in (Gatz teaches logic, using a plug-in is a design choice) for an instant messaging client.

Regarding claims 4 and 14, as responded to earlier, Gatz in view of West teaches using a policy engine of the client device (design choice to elect how the access is controlled) to inhibit usage of the IM service to the minor based on the at least one policy.

Regarding claims 5 and 15, as responded to earlier, Gatz in view of West teaches policy engine comprises a plug-in (design choice for designing system architecture) for an instant messaging client.

Regarding claims 6, as responded to earlier, Gatz in view of West teaches using a policy engine of the client device (design choice for designing system architecture) to allow usage of the IM service to the minor based on the at least one policy.

Regarding claims 7 and 17, as responded to earlier, Gatz in view of West teaches policy engine comprises a plug-in for an instant messaging client.

Regarding claim 8 and 18, The method of claim 1 wherein the at least one policy indicates specific times when messages from members of a buddy list for the minor are to be blocked or allowed.

Regarding claim 9 and 19, Gatz in view of West teaches at least one policy indicates specific times when messages from anyone not in a buddy list for the minor (contents of information is business choice) are to be blocked or allowed (In Gatz, contents is message, in West contents is programming. Both Gatz and West teach controlling access to information by minors).

Regarding claims 10 and 20, Gatz in view of West does not teach periodically receiving from the client device a log of actions taken by the client device to comply with the at least one policy. However, keep a log of action taken on a system is known to one of ordinary skill in the art. For example, product like DeadAIM keeps log of user conversation on AOL Instant Messaging, systems keeping error log error log. Uploading logs from remote devices is known to one of ordinary skill in the art at the time of invention.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gatz in view of West and keep log of user actions to enable parents to review usage of systems by children at a later time.

### ***Conclusion***

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig  
Examiner  
Art Unit 3629

August 31, 2005